

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Consueloe Dickey,

Plaintiff,

v.

Medical University Hospital Authority,

Defendant.

Civil Action No.: 2:24-cv-7723-RMG-KDW

REPORT AND RECOMMENDATION

This employment-related matter is before the court¹ on the Motion to Dismiss the Second Amended Complaint (“Motion”) filed by Defendant Medical University Hospital Authority (“Defendant” or “MUHA”). ECF No. 11. Plaintiff’s Second² Amended Complaint includes causes of action brought pursuant to the Americans with Disabilities Act (“ADA”), the Age Discrimination in Employment Act (“ADEA”), and the Rehabilitation Act.

MUHA seeks dismissal of the claims brought pursuant to the ADA and ADEA, arguing MUHA is immune from suit under these two statutory schemes. ECF No. 11-1 at 3-4. In response, Plaintiff submitted a brief memorandum acknowledging MUHA’s immunity as to the ADA and ADEA claims and consents to their dismissal. ECF No. 13 at 1.

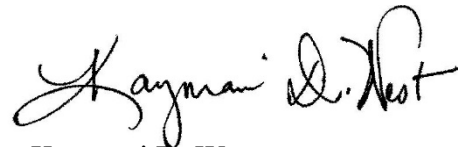
¹ All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). Because the Motion to Dismiss is potentially dispositive, the undersigned issues this Report and Recommendation for the District Judge’s consideration.

² As a housekeeping matter, the court notes that Plaintiff’s “Amended Complaint” filed March 2, 2025, should be denominated her “Second Amended Complaint,” as it amends her Amended Complaint. The Clerk of Court may make this change to the docket and to the first page of ECF No. 8.

Based on the consent of Plaintiff, Defendant's Motion to Dismiss the ADA and ADEA causes of action, ECF No. 11, should be *granted*. This matter should proceed as to Plaintiff's Rehabilitation Act claims brought in her Second Amended Complaint.

IT IS SO RECOMMENDED.

May 2, 2025
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**